

REMARKS

Claims 3-6, 8, 11-14, 16 and 27-34 were pending in the patent application.

Examiner has finally rejected all pending claims in view of new grounds of rejection. Claims 3, 4, 8, 11, 16, 27, 31, 33 and 34 have been amended. No new matter has been added. Claims 28, 29, 30 and 32 have been canceled. Applicants respectfully request entry of this Amendment and allowance of this Application.

Applicant has amended claim 27, which is contextually representative of independent claims 33 and 34, and is presented as below for reference:

A method for communicating application programming interface (API) capabilities supported by a database of a first device to one or more a second ~~devices~~ ~~device~~ for establishing communication between the first device and the one or more second devices, comprising the steps of: generating a first bit stream having bits in a predetermined sequence successively arranged from lowest functional level to highest functional level to send from the first device to the one or more second ~~device~~ ~~devices~~, the first bit stream representing a highest API feature ~~installed~~ and intermediary API features installed on the first device, wherein ~~all of the~~ installed API intermediary API features of the first device are not required to utilize the installed API highest API feature;

receiving a second bit stream having bits in a predetermined sequence successively arranged from lowest functional level to highest functional level sent from one of the one or more second ~~device~~ ~~devices~~ to the first device, the second bit stream representing a highest API feature ~~installed~~ and intermediary API features installed on the second device wherein the installed intermediary API features of the one of the one or more second devices are not

required to utilize the installed highest API feature; and
comparing the first first and second bit streams in relation to the
predetermined sequence at the first device and at the one of the
one or more second devices to configure communications between
the APIs for mutually supported API features, the mutually
supported features including a highest API feature and one or more
intermediary API features in common commonly installed to both
the first device and the one of the one or more second device
devices and including the intermediary API features in common,
and,
adapting processing to utilize a resulting set of the mutually supported API
features during the communication between the first device and the
one of the one or more second devices by installing the highest API
feature of the second bit stream and only the intermediary API
features of the second bit stream that are not already installed in
the first device,
wherein the first device and the one or more second devices communicate
across a heterogeneous network, the first device and each of the
one or more second devices are any of a client and server, and the
API on the first and the one or more second devices comprises one
or more of Open Database Connectivity (ODBC), Object Linking
and Embedded Database (OLEDB) or Java Database Connectivity
(JDBC).

Claim Rejections

Examiner has rejected Claims 3-6, 8, 11-14, 16, 27-29, 31-34 under 35 U.S.C. 102(b) as being anticipated by Menezes et al. (hereinafter "Men"), US Patent 5,621,894. Claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Men in view of Applicant's Admitted Prior Art (AAPA).

Examiner has rejected independent claims of the present application for generally similar reasons given the contextual content of the independent claims. Applicant respectfully disagrees with Examiner's reasoning.

(1) Examiner has stated that as per claim 27, Men discloses a method for communicating application programming interface (API) capabilities supported by a database of a first device to a second device for establishing communication..." Applicant asserts that Men does not disclose APIs, a heterogeneous network, non-identical machines, or a database.

Men does not disclose APIs, but rather discloses protocols in relation to a standard of the International Telegraph and Telephone Consultative Committee (CCITT) which require data compression and encoding techniques to improve transmission capability across limited communication link access (i.e., telephone lines) (see generally column 1, line 53 to column 2, line 10). Further, Men discloses a communication methodology as between two identical devices (i.e., facsimile machines) which are capable and required to communicate across a common if not identical network (see Examiner's cited reference at col. 6, lines 55-57, "**A physical link 38 couples the system 10 to another system of the same design...**"). Men also does not disclose a database capabilities supported by a database of a first device, as the machines of Men do not have databases or data storage aside from data to be transmitted via facsimile transmission. Men's construct then is intended to teach compressed data transmission as between common if not identical machines across a commonly formatted and homogeneous link with limited bandwidths. Men cannot support client and server

relations, in any combination, nor can Men use APIs or provide communication across a heterogeneous network.

(2) Examiner has also stated that as per claim 27, Men discloses generating a first bit stream to send from the first device to the second device, the first bit stream representing a highest API feature installed and intermediary API features installed on the first device, wherein all of the API intermediary features are not required to utilize the API highest feature. Applicant asserts that Men does not disclose bits streams having API features of any type, and that the first and second device of Men are required to be of the same type.

Men transfers data files as between common machines, seeks a common transfer form, and then attempts to determine mutually compatible data processing capabilities (see generally column 3, lines 32-56). In Men, it is the "second facsimile machine" which selects "a mutually compatible transfer form based on the first and second application data processing mode lists, the first and second custom data processing mode lists, and the standard facsimile data processing mode list" (column 4, lines 39-44). The present invention is not so limited. Men then does not disclose APIs, features of APIs, or the capability of receiving bit streams sent from more than one second device to the first device. Men is not intended to so operate.

(3) Examiner has also stated that as per claim 27, Men discloses comparing the first and second bit streams to configure communications between the APIs for mutually supported features, the mutually supported features including a highest feature in common to both the first and second device and

including the intermediary API features in common. Applicants respectfully disagree for the reasons above.

(4) Examiner has also stated that as per claim 27, Men discloses being responsive to the highest feature of the second bit stream being more recent than the highest API feature of the first bit stream, installing the highest API feature of the second bit stream and only the intermediary API features of the second bit stream that are not already installed in the first device. Applicant asserts that Men is incapable of performing such and if attempted, in hindsight of Applicant's invention, Men would fail or be inoperative. Men seeks to find common characteristics consistent with CCITT to find common application capabilities differentiable from custom capabilities, wherein **“the custom capabilities are always transmitted by the receiving FAX machine regardless of whether they are actually used or not”** (see column 5, lines 20-26, column 6, lines 36-38, column 7, lines 34-36, column 8, lines 6-14, column 10, lines 5-8). Applicants respectfully disagree with the rejection, in view of the amended claims and also for the reasons above.

Amended Claims

Thus, Applicants respectfully submit that new claim 27, and related dependent claims, are patentable over Mens. Men does not anticipate alone or in combination with AAPA render obvious the present invention. Claims depending from claim 27 are also believed allowable. Additionally, amended

independent claims 34 and 35, and their related dependent claims, are patentable and allowable for at least the same reasons as claim 27.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 CFR §1.116 be entered by the Examiner, placing claims 3-6, 8, 11-14, 16, 27, 31, 33 and 34 in condition for allowance. Applicants submit that the proposed amendments presented do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants submit that entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Applicants respectfully request entry of this amendment and timely notice of allowance.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise,

Applicants decline to subscribe to any statement or characterization in the Office Action.

Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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